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Via Electronic Filing

May 2, 2011

The Hon. A. Kathleen Tomlinson
United States District Court
100 Federal Plaza
P.O. Box 9014
Central Islip, NY 11722-9014

Re: *Fox v. McIlvaine*, Case No. CV10-5358 (LDW) (AKT)

Dear Judge Tomlinson:

I write on behalf of both parties to this action regarding their agreement on the procedure for the production of electronically stored information (ESI).

Defendant Patricia McIlvaine has potentially discoverable information on her home computer and in several e-mail accounts. The parties have agreed that, at Plaintiff Twentieth Century Fox's election, Defendant will either print out materials stored on her computer that are responsive to Plaintiff's document requests, or will allow a third-party company to make a mirror image of her computer hard drive, which would then be searched using search terms acceptable to both parties. With respect to Defendant's e-mails, copies of which Defendant represents are not stored on her computer, Plaintiff will issue document requests, and Defendant will produce hard-copy e-mails responsive to those requests.

At this time Defendant believes that her discovery requests to Plaintiff do not necessitate an ESI procedure. Plaintiff will produce documents responsive to Defendant's requests in hard-copy form.

By agreeing to an ESI procedure, the parties do not forfeit any possible discovery objection. If unanticipated events require a change to the agreed-upon ESI procedure, the parties will timely notify your Honor of such changes.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jonathan Zavín", with a long horizontal flourish extending to the right.

Jonathan Zavín
Partner

cc: Joseph Singleton, Esq. (via ECF)
Raymond White, Esq. (via ECF)